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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,238	12/31/2003	Richard Paul Lewis	19507	8843
23556	7590	12/15/2005		
KIMBERLY-CLARK WORLDWIDE, INC. 401 NORTH LAKE STREET NEENAH, WI 54956			EXAMINER HAUGLAND, SCOTT J	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/750,238

Applicant(s)

LEWIS ET AL.

Examiner

Scott Haugland

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/4/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the electrical contacts and the identification in the form of a conductor on the core of sheet material roll recited in claim 12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Claim 14 is objected to because of the following informalities: The claim does not end with a period. Appropriate correction is required.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

There is no antecedent in the specification for the electrical contacts or identification in the form of a conductor on the core of the sheet material roll recited in claim 12.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-24, 27, 32, 34-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 4, it appears that "a roll" should be --the roll-- since it appears to refer to the roll recited on line 3.

In claim 3, line 1, the language "is designed" is indefinite since this language does not specify the structure or capabilities of the claimed device.

In claim 17, line 2, "the dispenser housing" lacks antecedent basis.

Claim 24 does not recite a method as stated in claims 27, 34, 36, and 37.

Claim 40 recites the limitation "said microcontrollers" on line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 13, 15, 16, 24, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto (U.S. Pat. No. 5,934,167).

Yamamoto discloses an apparatus adapted to dispense a web of sheet material from a continuous roll comprising: a support M1 configured to rotatably support a roll L1 of sheet material which includes identification 20 relating to a type of sheet material on the roll, a processor (included in 40) configured to receive data relating to the type of the sheet material on the roll, process the data, and generate an output command, and a controller (included in 40) configured to control the length of sheet material dispensed from the roll in response to the output command (col. 7, lines 34-36).

Claims 1, 2, 5-8, 13, 15, 16, 18, 19, 21-27, 29-31, 34, 36, 37, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Denen et al (U.S. Pat. Appl. Pub. No. 2002/0117578).

Denen et al discloses an apparatus adapted to dispense a web of sheet material from a continuous roll comprising: a support 12 configured to rotatably support a roll 20 of sheet material which includes identification (perforations 32) relating to a type of sheet material on the roll, a processor (included in 22, 28, 68, 24) configured to receive data relating to the type of the sheet material on the roll, process the data, and generate an output command, and a controller (included in 22, 28, 68, 24) configured to control the length of sheet material dispensed from the roll in response to the output command. The apparatus includes a reader 22 for reading data from identification on the roll of sheet material as recited in claim 2. The identification 32 is on the sheet material as recited in claim 5.

With regard to claims 19 and 36, note that Fig. 9 applies to the Fig. 10 embodiment when the brake is replaced with drive motor 88. See the description of Fig. 10 starting at col. 11, line 9.

With regard to claim and 34, the device as disclosed is operable when the cover is open.

With regard to claim 21, note the electric motor 88 of the Fig. 10 embodiment.

With regard to claim 29, the web material having the perforations is on the core of the roll.

Claims 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Yamakawa et al (U.S. Pat. No. 6,894,711).

Yamakawa et al discloses a roll of sheet material including identification 20 (Fig. 8; col. 11, line 13 et seqq.) which is identifiable by an identifier so as to allow for controlled dispensing of sheet material from the roll. The roll disclosed by Yamakawa et al is usable in the apparatus of claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 9, 12, 27, 28, 32, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (U.S. Pat. No. 5,934,167) in view of Yamakawa et al (U.S. Pat. No. 6,894,711).

Yamamoto is described above.

Yamamoto does not disclose an RFID tag on the roll of sheet material.

Yamakawa et al teaches providing a RFID tag 20 on a roll of sheet material and at the core (inner portion) of that roll.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Yamamoto with an identification in the form of a RFID

tag on the roll or core of sheet material as taught by Yamakawa et al in lieu of on the case for the roll to simplify manufacturing and increase the degree of association between the roll and identification tag to reduce errors in assembly. It would have been obvious to arrange the reader accordingly.

With regard to claim 12, electrical contacts and conductor are inherent in the RFID tag of the modified apparatus of Yamamoto.

With regard to claim 35, the identifier is deactivated after identification of the sheet material on the roll, at least when the feeding apparatus is shut down or the container of sheet material is removed.

Claims 10, 11, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (U.S. Pat. No. 5,934,167) in view of Narita et al (U.S. Pat. No. 6,962,451).

Yamamoto is described above.

Yamamoto does not disclose an infrared emitter/detector circuit arranged to emit infrared light into the core and detect reflection of light off the identification.

Narita et al teaches providing an infrared identification on a core of web material indicating the type of material on the core and an infrared emitter/detector circuit arranged to emit infrared light into the core and detect reflection of light off the identification.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Yamamoto with an infrared emitter/detector circuit

arranged to emit infrared light into the core and detect reflection of light off of an identification on the core as taught by Narita et al to permit inexpensive manufacture of the identification.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (U.S. Pat. No. 5,934,167).

Yamamoto is described above.

Yamamoto does not disclose processor that includes an algorithm stored in a chip set embedded on a printed circuit board.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Yamamoto with a processor that includes an algorithm stored in a chip set embedded on a printed circuit board since it is old and well known to use controllers having this structure for inexpensively performing complex control functions such as those disclosed by Yamamoto.

Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (U.S. Pat. No. 5,934,167) in view of Ardalan et al (U.S. Pat. No. 6,363,057).

Yamamoto is described above.

Yamamoto does not disclose first and second networks, a gateway operatively coupled to the networks, or an HTTP server embedded in one of the gateway and a plurality of microcontrollers.

Ardalan et al teaches connecting a plurality of independently operable and remotely located devices through a network and a gateway to another network. An HTTP server is embedded in the gateway or microcontrollers of the devices.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Yamamoto with first and second networks connected by a gateway, connecting the plurality of dispensers, and having embedded HTTP servers as taught by Ardalan to facilitate use and configuration of the control system for the dispensers by making use of standard software and protocols.

Claims 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denen et al (U.S. Pat. Appl. Pub. No. 2002/0117578).

Denen et al is described above.

Denen et al does not disclose a processor that includes an algorithm stored in a chip set embedded on a printed circuit board.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Yamamoto with a processor that includes an algorithm stored in a chip set embedded on a printed circuit board since it is old and well known to use controllers having this structure for inexpensively performing complex control functions such as those disclosed by Yamamoto.

With regard to claim 17, the device as disclosed is operable when the cover is open.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denen et al (U.S. Pat. Appl. Pub. No. 2002/0117578) as applied to claims 14 and 17 above, and further in view of Niada (U.S. Pat. No. 5,452,832).

Denen et al does not disclose a lockout switch (contacts 35, 36) for preventing operation of the controller when the dispenser housing is open.

Niada teaches providing a lockout switch (contacts 35, 36) for preventing operation of the controller when the dispenser housing is open.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Denen et al with a lockout switch as taught by Niada to prevent injury to maintenance personnel when servicing the dispenser.

Claims 32 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denen et al (U.S. Pat. Appl. Pub. No. 2002/0117578) in view of Yamakawa et al (U.S. Pat. No. 6,894,711).

Denen et al is described above.

Denen et al does not disclose an RFID tag on the roll of sheet material.

Yamakawa et al teaches providing a RFID tag 20 on a roll of sheet material and at the core (inner portion) of that roll.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Denen et al with an identification in the form of a RFID tag on the roll or core of sheet material as taught by Yamakawa et al to identify the type of material to determine the information required by the controller.

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With regard to claim 35, the claimed step does not further limit the recited roll structure (claim 35 depends from 24), but the identifier of Denen et al is deactivated after identification of the sheet material on the roll, at least when the feeding apparatus is turned off.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denen et al in view Yamakawa et al as applied to claim 35 above, and further in view of Alfano et al (U.S. Pat. No. 6,069,354).

The recited step does not limit the structure of the claimed roll (the claim depends from 24). However, assuming, arguendo that structure in addition to the roll and corresponding to the recited steps is claimed, Denen et al does not disclose structure for dispensing sheet material in response to sensing a user's hand adjacent the dispenser housing.

Alfano et al teaches dispensing sheet material in response to sensing a user's hand adjacent a dispenser housing.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the dispenser of Denen et al to dispense sheet material in response to sensing a user's hand adjacent the dispenser housing to improve convenience and sanitation in the use of the dispenser.

Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denen et al (U.S. Pat. Appl. Pub. No. 2002/0117578) in view of Ardalan et al (U.S. Pat. No. 6,363,057).

Denen et al is described above.

Denen et al does not disclose first and second networks, a gateway operatively coupled to the networks, or an HTTP server embedded in one of the gateway and a plurality of microcontrollers.

Ardalan et al teaches connecting a plurality of independently operable and remotely located devices through a network and a gateway to another network. An HTTP server is embedded in the gateway or microcontrollers of the devices.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Denen et al with first and second networks connected by a gateway, connecting a plurality of dispensers of Denen et al, and having embedded HTTP servers as taught by Ardalan to permit more efficient adjustment and monitoring of a plurality of dispensers from a single or minimal number of locations.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McConnell et al (U.S. Pat. No. 6,411,920) is cited to show an apparatus for communicating between a plurality of paper dispensers and a central data processing unit. Ebisawa et al (U.S. Pat. Appl. Pub. No. 2003/0025027) is cited to show web rolls having RFID tags attached to them. Ueda et al (U.S. Pat. No. 6,923,581) is

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cited to show a web feeding device having means for reading a label indicating the type of web being fed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571) 272-6945. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


sjh
12/7/05



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